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(most complete  
version)

# I.

Throughout the brouhaha over the Immigration Reform and Control Act of 1984 --  
noted  
commonly known as the Simpson-Mazzoli Act -- no one seems to have/that the problems  
are a legacy to the rest of us  
requiring "reform"/~~have been~~ created very largely by Southwestern growers. And  
hardly anyone seems to have noted that the solutions proposed by Simpson-Mazzoli, far  
challenging  
~~will almost certainly~~ from/~~address~~ the attitudes and habits of these latter-day  
plantation owners, cater to them and will almost certainly make our festering  
immigration problems worse.

The most fundamental attitude at work -- dating back to the ~~days~~ time the  
whole Southwest was owned and operated by Mexican hacendados -- is that a landowner  
is a gentleman, in the Old World sense, and a gentleman does not demean himself by  
laboring on his land. Everything follows. If agricultural labor is demeaning,  
those who perform it must be a sub-class, unworthy of respect, unworthy of the wages  
and conditions of employment prevailing in other kinds of work. Persons accustomed  
to reasonable wages and working conditions, and a modicum of respect, are usually  
likely to be not attracted to a form of employment where these standards are not met. South-  
western planters have therefore looked for ~~their~~ labor in places where people were  
so destitute, so desperate, so unfamiliar with American standards of equity, that  
they were willing to work long, hard, uncomplainingly, for very little pay and less  
dignity.

On occasions, pockets of poverty within U.S. borders were so deep that they  
could be exploited by ~~planters in California~~ Southwestern agribusiness -- particu-  
larly in California, where labor-intensive agriculture was perfected. During the  
Great Depression, one did not hear many cries that "Americans won't do stoop labor,"  
and that crops were "rotting in the fields" due to grave "labor shortages." But for  
the most part, these cries have been raised indefatigably across the decades and



generations, and the "shortages" have been filled by one or another exotic group of laborers: Chinese, Japanese, Filipinos, East Indians, West Indians, <sup>Arabians,</sup> Basques, and many others. No corner of the world was too remote to be scoured by recruiters miserably for Southwestern growers, just as long as it was disadvantaged. If ~~it~~ <sup>labor gangs</sup> were non-English speaking, so much the better, for that helped to ensure the ~~labor gangs~~ would be insulated from the ~~larger U.S. society~~ <sup>most particularly</sup> blandishments of the larger U.S. society -- and from union organizers.

~~Worldwide~~ Importation of coolies from Asia, and the equivalent of coolies from Africa, Europe, and the Caribbean, had ~~excessive~~ <sup>the</sup> ~~disadvantages~~ <sup>of</sup> transportation costs. ~~More seriously,~~ <sup>More seriously,</sup> it tended to stir up racial and other passions in the larger community, and <sup>eventually</sup> led to ~~exclusionist legislation~~ <sup>Source</sup> and an outright ban on ~~foreign~~ <sup>pool</sup> alien contract labor. So, over the years, one <sup>pool</sup> of disadvantaged foreign workers became preferred over all others by landowners of California and the Southwest: Mexico.

A final mind-set of these growers <sup>is vital to an understanding</sup> ~~was~~ <sup>unwritten and</sup> of the/ unvoiced <sup>background of the Simpson-Mazzoli Act.</sup> They grew to believe not only that they had to have cheap, docile labor, but that they were by some semi-divine right entitled to a guarantee of such labor by the <sup>United States</sup> government. This assumption ~~was~~ <sup>was</sup> first validated in World War I, when growers claimed they needed Federal assistance in obtaining workers from Mexico. The assistance was given. World War II brought a more insistent demand, and the Federal government responded more generously. <sup>In 1942 alone,</sup> ~~over~~ <sup>contract laborers</sup> 62,000 Mexican ~~Nationalities~~ were recruited, transported, housed, and fed by the Department of Agriculture, at a cost of nearly \$24,000,000. ~~All growers had to do was pick up the workers at camp~~ Patriotism is the first refuge of Southwestern planters. The Korean War gave them the opportunity once again to raise a demand for government aid in rounding up contract workers from Mexico. A <sup>com-</sup> <sup>82nd</sup> ~~plaisant~~ Congress responded with ~~Public Law 78~~ <sup>Public Law 78</sup>, which became known as the



bracero program. (Bracero is from brazo, or arm. Literally, it means arm-man; freely, a ~~man~~ <sup>freely</sup> ~~man~~ who works with his arms; more freely, farmhand.)

The importation of Mexican contract laborers boomed under P.L. 78. Over 192,000 braceros were contracted used in 1951; 197,000 in 1952; 201,000 in 1953. With the truce at Panmunjong, one might have supposed the wartime claims of a "wartime emergency" would lose their force, and Congress would terminate the program. On the contrary, the number of braceros jumped to 309,000 in 1954, 399,000 in 1955, 445,000 in 1956. The reason was clear enough to any thoughtful person: labor shortages in agriculture had nothing to do with the war, everything to do with wages and working conditions (and, increasingly, the sociopsychological reputation) of employment on factory farms. With an ironclad government guarantee of braceros wherever local workers didn't present themselves at the prevailing rate, growers naturally didn't adjust the rates upward. Indeed, it went down, in many cases, during the bracer years. Local workers were driven out by a Gresham's law of displacement, and major crops in major growing areas -- tomatoes in the San Joaquin Valley, lettuce in the Salinas Valley, everything in the Imperial and Rio Grande Valleys -- were being picked by braceros.

It took fourteen years for a majority of the Congress to recognize and act upon this obvious truth: ~~cheap Mexican~~ <sup>peon</sup> ~~cheap Mexican~~/labor will always drive out American labor in a head-to-head competition. It was not that braceros were foreign, per se; it was not that they were bound by contracts, per se. Athletes, rock groups, ballet dancers from abroad are "foreign contract workers." But they are not unsophisticated; they are not unfamiliar with concepts of fairness; they have a voice in the contracts under which they labor while they sojourn in the U.S.; they do not drive American athletes, rock musicians, and ballet dancers out of their respective markets. Braceros were, virtually by design and definition, peons. Which is why local farm workers could not compete with them -- and, of course, why they were



a "dream of heaven" for growers, in Carey McWilliams' phrase.  
did

Congress never ~~could~~/bring itself to repudiate the bracero system frontally.  
After many "temporary" extensions of P.L. 78, ~~xxxxxxxxxx~~ <sup>finally</sup> it/decided, ~~not~~  
~~xxxxxx~~ on October 30, 1963, not to fund the program beyond June 30, 1964 -- but it  
sugar coated the pill in various ways. It still held out the prospect of Mexican  
contract labor under ~~xxxxxxxxxx~~ Title I, Section 101(a)(15)(H)(2) of the  
~~McCarran-Walter Act~~ Immigration and Nationality Act of 1952, popularly (or un-  
popularly) known as the McCarran-Walter Act. And Congress carefully avoided  
the root of ~~the~~ <sup>didn't so much as mention the possibility of</sup> all farm labor "shortages": it/~~xxxxxxxxxx~~ bringing  
agriculture within the purview of the Fair Labor Standards Act or ~~National~~ Labor-Management  
Relations Act.

Even without these protections,  
/Cesar Chavez and his heroic little union made some progress in demonstrati ng  
that California agriculture could get along without braceros, could afford to pay  
fairly decent wages and offer tolerable working conditions and fringe benefits,  
could get employees in a rational way through a hiring hall.  
could bargain collectively,/ But most growers were unregenerate. Most preferred  
workers of the peon model: ~~they might~~ in a choice between a labor force which  
was stable and one which was docile, they continued to believe there was economic  
advantage in ~~the~~ docility.

Mexican Farm laborers  
~~xxxxxx~~ <sup>the</sup> were imported under the ~~xxxxxx~~ of McCarran-Walter Act  
to some extent. They were called "green carders", after the color of the visa they  
were supposed to carry. But Southwestern growers didn't care for some of the admin-  
istrative regulations which grew up around <sup>the</sup> "green card" system. They didn't like the  
fact the U.S. Department of Labor played a prominent role in the system. They didn't  
like the way the Department of Labor required them to <sup>make at least some effort</sup> to recruit local workers,  
and <sup>perhaps</sup> even out-of-area workers, as a prerequisite to using "green carders." They  
particularly didn't care for the fact the Labor Department began requiring them to  
pay an "adverse affect rate": the wage which the Department estimated might have  
prevailed if there were no "green carders" available at all.

By now:  
"Non-immigrant"



Given the assumptions which by now were over a hundred years old, ~~it was~~ the ~~simplest human drive at the~~ following train of thought was set in motion: if the law will not give us ~~the~~ all the labor we want, on the terms we set, we have a right to take the law into our own hands. Under the "green card" system, a worker was supposed to have To obtain a "green card" legally, a worker had to have evidence that a job awaited him in the U.S. A brisk trade arose in the side streets of Tijuana, Mexicali, Nogales, Juarez, in fraudulent letters of employment. When the Immigration and Naturalization Service began to question ~~xxxxx~~ these and declined to issue "green cards," laminated forgeries, a trade arose in forgeries of the "green cards" themselves. When holders of these fraudulent documents filtered into crews of local workers, or "green carders" with legitimate documentation, no questions were asked.

Many Mexican peasants could not afford the cost of a forged ~~xxxxx~~ documents. If they had any money at all, they gave it to a coyote, a trafficker in bodies, who smuggled them across the border under bales of hay, in empty gasoline drums, in or/whatever other ways ingenuity and rapacity could devise. They ~~xxxxx~~ mingled with crews already at work, and, again, no questions were asked. ~~xxxxxx~~ The farm labor market's version of Gresham's Law operated as usual. Workers without any documents were most vulnerable; they tended to drive out those just above them on the ladder, those with fake documents. Those with fake documents tended to drive out those with valid visas. Those with valid visas tended to drive out those with permanent residency in this country.

The logic of the process was ineluctable. By 1981, only "green carders" ~~xxxxxx~~ agriculture. were employed in California. The number of undocumented workers was/probably in the hundreds of thousands. ~~xx~~ By the very nature of an underground system, no one knew. And so long as the illegals stayed in agriculture, out of public view, very few people cared. ~~xxxxx~~ It is certain that ~~they~~ they dominated many crop-areas as thoroughly as the same undocumented workers crop-areas had been dominated by braceros in the 1950's. But there was this critical difference: braceros were bound by their contracts to remain in agriculture, and the Department of Labor had a compliance staff to see that they did so. <sup>the late</sup> As Ernesto <sup>^</sup> Galarza, passionate farm labor organizer and foe of the bracero system ~~once~~ told me,



nearly thirty years ago, "Despite all their handicaps, wetbacks are freer than braceros. They can walk off their jobs. Braceros can't."

~~Wetback~~ The terminology changed over time. Wetbacks became known as alambristas ("wire jumpers"). Alambristas became known as "illegal aliens" or simply "illegals." ~~Illegal~~ That was finally softened to "undocumented workers." Whatever they were called, they did, as Galarza said, walk off their jobs when conditions grew unendurable. They usually didn't join picket lines, for there usually weren't any picket lines. They didn't file a complaint with a Labor Commissioner, or Civil Rights Commission, or consulate. They slipped away in the night, ~~and~~ blended into some barrio (Mexican quarter), and tried to find some kind of work where the pay and the treatment were better than agriculture was accustomed to providing. &

They washed dishes, they worked in sweatshops, they gradually began to find their way out into the building trades; ~~the~~ foundries, and other blue collar jobs, and they began to find their way farther north. People began to take notice.

Peter Rodino (D., N.J.), of the House Judiciary Committee, began holding hearings President Carter appointed a blue-ribbon commission to study the problem. movement for on illegal immigration in 1972./ But it is ~~probably~~ no coincidence that the/~~impetus~~ irresistible momentum only ~~for controlling the problem~~/gained/~~the most powerful momentum~~ in 1981 and 1982, when the Reagan Recession produced levels of unemployment not seen since the 1930's.

"Something has to be done," everyone agreed. ~~But~~ The something which is in the process of being done, the so-called Immigration Reform and Control Act of 1984, is said to be a fair and reasonable compromise between conflicting points of view. It is nothing of the sort, because the "liberal" side of the debate never did its never asked the right questions, homework,/did not study the history of the problem, did not propose any solutions which went to the core of the matter.

## II.

In most respects, Southwestern growers have learned nothing and forgotten nothing since the transcontinental railroad was completed in May, 1869, and coolie gangs began tending vegetables, fruits, berries, nuts, hops, grapes. They haven't



learned there is a connection between the number of workers willing to do a particular kind of work and the financial and psychological rewards that work offers. They have never acknowledged ~~that~~ there are many jobs more gruelling, hot, stooped, repetitive than anything in agriculture --/laying roofs in the Southwestern summer -- nor have they acknowledged the curious fact that American~~x~~ workers do these jobs with no "labor shortages," and no foreign contract labor programs. They have never acknowledged there are <sup>other</sup> ~~many~~ industries as seasonal as agriculture, and dealing with products as highly perishable -- fishing, for example, and the whole range of businesses organically linked to primary agricultural production: ~~xxxx~~ <sup>canning,</sup> packing, <sup>shipping,</sup> trucking, wholesaling, retailing. None complains that precious foodstuffs ~~will~~ would ~~xxxx~~ "rot" if the government made foreign labor unavailable. None complains that it will be forced out of business if it has to compete in the marketplace for American workers. Agribusinessmen have learned none of these truths.

But they have learned political acumen. They succeeded brilliantly in keeping the spotlight off themselves, all during the years of debate over illegal immigration. They succeeded brilliantly in setting the terms of the discussion: it was a "national problem", rather than a problem which had been created for the nation/by <sup>in the 1st place</sup> the labor practices of the industry of agriculture. If it was a "national problem," then <sup>corporate</sup> agriculture need not be ~~asked to xxx~~ required to rethink its assumptions; we were all somehow responsible, and this being the case, we ~~xxxxxx~~ need not be very hard on ourselves in whatever solutions we might propose to the situation we had all created; we could and should be generous, ~~forgiving~~ compassionate, forgiving.

Thus the concept of amnesty for illegal aliens. ~~xxxxxx~~ Many a man-in-the-street, whether from the political right, left, or center, finds it difficult to see the justice in rewarding the ~~xxxxxx~~ scofflaw who has entered the country illegally -- and rewarding him in direct proportion to the length of time he has scoffed at the law -- while hundreds of thousands of law-abiding foreigners who have



tried to abide by ~~the~~ our immigration ~~laws~~ statutes are at the bottom of impossibly long waiting lists, with impossibly small annual quotas, and will never get into the country. But here, as elsewhere, agricultural employers have ~~managed to~~ <sup>ed</sup> divert/the debate from its more logical locus. The illegal alien has not avoided detection ~~by~~ <sup>huddling alone</sup> ~~the~~ for <sup>2 a half</sup> two years (five years in the Senate version of the Act) by ~~hiding~~ <sup>initially, at least</sup> in a cellar or attic. He has been shielded, harbored by someone; that someone is usually an employer; that employer is usually a grower or farm labor contractor, ~~initially.~~

The proper question should be "What is the justice in rewarding the grower ~~entrepreneur~~ who has managed to hide his undocumented workers for two years (or five) ~~in a ravine~~ in a ravine, or chicken coop, or wherever, while the grower down the road, with whom he competes, has tried to get along by hiring high school students or other local workers?" Simpson-Mazzoli ~~is~~ says to employers with <sup>along</sup> track record of using illegal aliens that they no longer have to worry about any possibility their captive labor force will be removed/~~by~~ <sup>in</sup> the Border Patrol raid; by the stroke of a pen, those workers can be kept in their ravines or chicken coops and exploited legally. Although no one in ~~the~~ Congress or the press seems to ~~have noticed it~~ have noticed it, Simpson-Mazzoli ~~isn't~~ doesn't forgive workers so much as it forgives unscrupulous employers.

Architects of the Act claim that they have worked out a "carefully crafted " compromise which balances this unprecedented generosity toward those who have deliberately broken the law, or aided and abetted others in the course of breaking the law. The compromise is known as "employer sanctions." It does not bear very close scrutiny. In their present form, the sanctions resemble "ten lashes laid on with a half-cooked noodle," ~~as~~ <sup>as</sup> ~~Ernesto Galarza~~ <sup>called</sup> ~~applied to~~ <sup>gestures toward</sup> Labor Department ~~efforts at~~ discipline of wayward bracero-users.



In Peter Rodino's original concept, illegal immigration was to be curbed by imposing a swift, certain, and substantial punishment of the employers of illegal entrants. Undocumented workers ~~do not~~ are not drawn to this country by ~~our civil liberties, our educational opportunities, our climate, our recreation, scenery, culture,~~ ~~they are not drawn to this country by~~ They are workers; they come for jobs; if there are no jobs, they will not come. Rodino saw an analogy with other kinds of unfair and unscrupulous labor practices from the past. Employers in various industries used to ~~to~~ exploit children. ~~They worked cheaply, they were docile, they were unorganized.~~ From the employer point of view, they were nearly ideal: they worked cheaply, they were docile, they were unorganized. From the larger point of view, child labor was a nearly unmitigated evil, not just for the children themselves, but for the adults who were displaced, the whole regions which were pauperized. Child labor wasn't stopped by punishing children who ~~entered~~ were found working in mines and mills. It was stopped by laws which imposed heavy penalties on mine and mill operators who were found employing children, and <sup>by</sup> ~~setting up a system of inspection to enforce the laws.~~ <sup>those</sup> ~~the~~ laws.

Rodino reasoned that the evils of illegal immigration would only be stopped by analogous methods. When he turned over management of the legislation to Romano Mazzoli (D., Ky.), chairman of the Judiciary Subcommittee on Immigration, and

Refugees, and International Law, the same reasoning survived. At this point, *had a public relations problem.*  
~~South try as they might, Southwestern growers were no longer able to keep them-~~  
~~selves off the stage, pulling others' strings. No other class of employers was~~ *They were the only major*  
~~willing to step forward and say, in effect, "We oppose the idea of employer sanc-~~ *in the*  
~~tions because we have built our business on the backs of illegal aliens,"~~ *to rest their industries*  
*and they knew it* ~~but they~~  
*is very well admitted openly.*

Growers and their lobbyists did not use quite these words. They claimed they had never and would never knowingly hire an illegal alien -- but how was one to tell? They began to manifest a <sup>most unexpected</sup> concern for civil liberties. ~~that~~ It would be repugnant to their sensibilities to ask a prospective employee for any kind of documents.



~~It would be~~ Anything in the way of a "national identification card" would violate the basic human rights of us all. ~~An astonishing coalition of interest groups~~ And ~~emerged~~ then, shrewdly, ~~and~~ slyly, growers played their trump: if you're going to try to make us violate our consciences in this way, and perhaps punish us in the bargain, we just won't hire anyone who looks as if he might be from Mexico. No one pressed them on the obvious contradiction: they had previously testified that they couldn't possibly survive without workers who not only looked as though they might be from Mexico, but actually were from Mexico.

An amazing coalition of interest groups emerged. Civil libertarians believed although Section 274A (c)(1)(B) <sup>of the Act</sup> explicitly forbids it. there really was the danger of a "national identification card/" Hispanic groups believed there really was a possibility employers would start turning away every- if sanctions remained in the bill. one with brown skin/ Growers ~~returned~~ <sup>retired</sup> to the wings of the stage and were ~~xx~~ well content to let liberals carry their debate for them.

Nonetheless,

~~But~~/when H.R. 1510 reached the floor of the House, it contained ~~extensive~~ of sorts. ~~stantial~~ "employer sanctions,"/including criminal penalties for recidivists: a fine up to \$3,000, and up to a year in prison, "for each unauthorized alien with respect to which the violation occurred." The employer of a gang of 50 illegal aliens might, in theory, spend the rest of his life in ~~just~~ a Federal penitentiary. Growers ~~and their friends~~ are in their most advantageous position when legislation reaches the House floor, and their spokesmen "stand in the well." From one point of view, they were quite mild. In the first place, it was unlawful to ~~hire~~ recruit, ~~or~~ refer for a fee, or hire an unauthorized alien only if it were done knowingly. Since most members of Congress are attorneys, they must have been aware this would be virtually impossible for the Immigration and Naturalization Service to prove. Secondly, <sup>Thirdly,</sup> in the unlikely event it were possible to prove foreknowledge, the penalty for a first offense was limited to a "warning" from the Attorney General. In the more unlikely event of a second offense, the penalty was

to be a fine of \$1,000 "for each unauthorized alien." In the still more likely event Secondly, H.R. 1510 forbade Border Patrolmen to enter a farm "for the purpose of interrogating a person believed to be an alien" without the owner's consent or a "properly executed warrant" -- a departure from <sup>all</sup> previous immigration law.



of a third proven offense, the penalty was to be a fine of \$2,000 per unauthorized four-time recidivist, alien. Only in the most unlikely event of a ~~fourth offense~~ with intent proven each time there be any possibility of beyond a reasonable doubt, would/criminal ~~rather than civil~~ sanctions: ~~be imposed~~ that is, prison as well as a fine.

However, this was too much for agricultural employers and their/friends. ~~xxxxxx~~ Congressional ~~House Agriculture Committee~~ Volkmer (D., MO.) and Morrison (R., WA) introduced an amendment which would have permitted a fine of as little as \$100 for a second offense, and \$500 for a third offense. Coleman (D, TX?) proposed to eliminate all Lungren (R, CA) proposed to exempt employers of fewer than 4 workers from sanctions of any kind. criminal, as opposed to civil, penalties. ~~The Volkmer-Morrison amendment was re-~~ ~~jected~~ and Lungren ~~rejected~~ the Coleman/amendments ~~adopted~~ were adopted.

~~xxxxxx~~ As of June 14, 1984, the fourth day of open debate on H.R. 1510, it would seem growers had almost everything/ ~~any class of employers could rationally hoped for~~ -- more concessions than any other class of employers would have dared to dream of. The bill, as it stood, contained the prospect of three forms of Mexican labor: illegal aliens at work since January 1, 1982, would automatically become legal; the "green card" system was still available; and ~~fixing the number of these employers improved exchange~~ ~~enough to know was never any reason to balk at~~ one could still hire undocumented workers with no penalties at all unless and until one were proved to have done so twice, and "knowingly" both times.

There is no satiating the hunger of Southwestern growers for peon labor. The three sources available under Simpson-Mazzoli were still not enough. On June 14, ~~debate in Congress~~ a truly bizarre debate took place on the floor of the United States House of Representatives -- a debate on an amendment to H.R. 1510 which proposed to open a fourth and virtually unlimited pool of Mexican "nonimmigrants" to agricultural employers. It was bizarre in its sponsorship; bizarre in its content; ~~bizarre~~ ~~in that it was considered seriously at all;~~ bizarre in the arguments advanced on its behalf; bizarre in the alignments which emerged, pro, con, and neutral; and most bizarre in that it passed.

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ceded  
by  
P.13



IV-7

III.

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Leon Panetta was born 40 years ago in Monterey, California -- "Steinbeck c ountry," as it is sometimes called. He graduated with honors from the University of Santa Clara in 1960, and obtained a Juris Doctor ~~(2)~~ degree from the same university's law school in 1963, ~~xxx after editing its Law Review.~~ He was in the army, 1963-65. For three years, <sup>California's</sup> He served as Legislative Assistant to/Senator Thomas Kuchel, ~~(R, xxx)~~ a moderate Republican. In 1969, at the age of 31, he was appointed Director of the Office of Civil Rights in the Department of Health, Education, and Welfare. <sup>at the time,</sup> (Nixon's Secretary of HEW, Robert Finch, was another California Republican with ~~something of~~ a reputation as a moderate.) <sup>however,</sup> ~~Within~~ By 1970, <sup>go-slow</sup> Panetta was forced to resign, due to his outspoken opposition to the Nixon administration's policy on school desegregation. For his independence and courage, he was <sup>given</sup> ~~recognized~~ by awards from various liberal ~~groups:~~ <sup>the</sup> the Distinguished Service Award of the NAACP; <sup>and</sup> the Lincoln Award of the National Education Association. <sup>After serving</sup> ~~He served~~ briefly as Executive Assistant to Mayor John Lindsay of New York, <sup>Panetta</sup> ~~Then he~~ returned to his home base in Monterey County, practiced law, involved himself in Little League and other community affairs, changed his party affiliation from Republican to Democratic.

In 1976, he ran for Congress. <sup>Through his</sup> in California's 16th District, <sup>had</sup> traditionally <sup>been represented</sup> ~~Republican~~ <sup>by a conservative Republican, Panetta</sup> ~~and won,~~ <sup>three times,</sup> ~~and~~ he has easily won reelection ~~ever~~ since. He ~~ix~~ has gained appointment to two committees which are considered "major": Budget and Agriculture. ~~xxx~~ As chairman ~~xxx~~ of the Agriculture Subcommittee on Domestic Marketing, Consumer Relations and Nutrition, ~~xxxxxxx~~ he has presided over public hearings on "hunger in America", and unlike <sup>the conservatives</sup> ~~some observers~~ he has concluded that it does exist and that something should be done about. On the Budget Committee, he tends to <sup>ward</sup> ~~favor moderate~~ <sup>reduction of</sup> ~~take~~ such liberal positions as ~~reducing~~ the federal deficit ~~xx~~ through moderating the Reagan defense buildup rather than through cutting social programs.



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*He has gained some thing of a national reputation through*  
~~He appears fairly frequently~~ *on the McNeil-Lehrer program on Public Television,*  
 where he discussed his areas of special expertise -- hunger and the budget -- in a  
 reasonable, even scholarly, manner. ~~His credentials as a spokesman for the~~ *He comes down*  
*consistently on the side of the angels whose left wings are somewhat more fully*  
*feathered than their right.* ~~His credentials as a spokesman for the~~ *enlightened, humane side of the House of Representatives would seem to be* *impeccable.*  
*How did it happen that a Congressman with such credentials* *proposed in all*  
~~seriousness~~ *an amendment which, in the words of a fellow Democrat from California,*  
*would create a "slave work force? Panetta does not need to dance to the growers'*  
*factories in the field around*  
*tune in order to survive politically. There are some* ~~corporation farmers in the~~ *Salinas,*  
~~Valleys~~ *to be sure, but the number of* ~~corporation farmers~~ *factory "farmers" and their*  
*allies in packing, transport, banking, and ancillary industries is far outweighed by*  
*other interests in* ~~the~~ *California's 16th District.* *There are major military instal-*  
*lations. There is a campus of the University of California, which has made the town*  
*of Santa Cruz into one of the most "socialistic" in the country. There is an* ~~large~~  
*artists' colony in and around Carmel. Tourism is an important industry. The area*  
~~is~~ *has long been a haven for retired persons. None of these interests has any-*  
*an* ~~the~~ *augmented traffic in Mexican peons, excellent*  
*thing at all to gain from a* ~~slave work force from Mexico~~ *and some have* ~~good~~  
 reasons to oppose it.

~~We may never know~~ *what induced decent, scholarly Leon Panetta to lend his*  
*name and influence to a plan for a "slave labor force,"* *as another Democratic Congressman fr. California*  
*For the moment, at least,* *called it?*  
*It can only be considered one of the*  
~~all we can say is that it is~~ *bizarre. political mysteries.*

## III.

A.

The Panetta Amendment to H.R. 1519 can only be called bizarre in its content.  
 The bracero program, first enacted in 1951, and periodically extended thereafter,  
 was so odious in its scandals and corruption, so devastating to domestic farm  
 workers, that Congress was obliged to yield to public outcry and let it die in  
 1964. ~~At least~~ *Some* *54* *members of Congress who were there at that time are still in*



*(39 are Democrats, most from The North).*  
the House of Representatives. But it is as though they had had lobotomies, or as though the bracero program never existed. The Panetta Amendment is an open invitation to more scandals, more corruption, more economic devastation, *more naked exploitation*, than the bracero system in the following ways, among others:

\* Public Law 78-82, enabling legislation for the bracero program, was administered by the Department of Labor, which operates under a Congressional charter mandating it to protect and advance the interests of U.S. working men and women. The Panetta program is to be administered by the Attorney General, who has no such mandate.

\* The Department of Labor required would-be bracero-users to submit estimates of labor requirements 45 days or more in advance of need. The Panetta program would allow users to apply as little as 72 hours in advance.

\* The Department of Labor required bracero-users to try to recruit domestic agricultural workers, both within the immediate area and out-of-area, during the time their applications were being processed, and throughout the time braceros were actually being employed. The Panetta program would ask users only to recruit in the immediate area of employment, and only until such time as the "nonimmigrants" were admitted -- i.e., for as little as 72 hours.

\* The bracero program functioned under an international agreement between the U.S. and Mexico which had the force of a treaty, ~~which the Panetta program~~ and gave ~~braceros~~ braceros at least paper protections by their own government. The Panetta program provides for no participation by any foreign government.

\* Every bracero received a Standard Work Contract, <sup>in English and Spanish,</sup> containing more than 20 protections, and an individual contract specifying where he was to work, for whom, for how ~~long~~ many weeks, at what tasks, at what rate of pay. The Panetta program ~~now~~ calls for no contracts, either standardized or personal.

\* Braceros were supposed to "enjoy the right to elect their own representatives who shall be recognized by the Employer...for the purpose of maintaining the Work Contract." Panetta workers will have no such right.



\* ~~The~~ Bracero use s were required to furnish "hygienic lodgings adequate to the climatic conditions of the area of employment," at no cost to the workers. The Panetta program says nothing about quality of housing, and allows the employer to "substitute payment of a reasonable housing allowance to (an off-the-farm) provider." The word "reasonable" is undefined.

\* The bracero program required both occupational and nonoccupational health insurance. The Panetta program does not require protection against nonoccupational illness and injury.

\* The bracero program ~~required~~ gave workers a choice between preparing their own meals and eating in centralized mess halls where employers were ~~not allowed to charge~~ ~~more than~~ required to provide three meals a day at a cost to the workers of not more than \$1.75 a day. The Panetta program says nothing at all about food.

\* Braceros were transported to and from Mexico, and from their camps to the fields and back each day, at no cost to themselves./ The Panetta amendment is silent on the subject of transportation; workers will presumably have to pay for it, whether it is safe and comfortable or not.

\* Braceros were required to furnish, without cost to the workers, "all the tools, supplies or equipment required to perform the duties assigned..." The Panetta program has no such provision.

at least  
\* Braceros were guaranteed work/three-fourths of the total workdays in their contracts, and 64 hours or more in each 2-week period. Since Panetta workers have no contracts, they have no such guarantees.

\* ~~For~~ Bracero-users were not allowed to "predesignate" individual workers, since experience ~~had~~ showed this practice tended to lead to bribe giving and taking. Users of Panetta workers are explicitly permitted to petition for "particular aliens" by name.

\* The maximum length of a bracero contract was six months. Panetta workers are allowed to remain in the U.S. for eleven consecutive months -- and would presumably become eligible for another eleven months after returning to Mexico for a day.



\* Bracero-users were supposed to take "all reasonable steps" to protect ~~from~~ their workers from gamblers, prostitutes, and other "immoral and illegal activities." The Panetta amendment says nothing about morality.

\* ~~Prohibited~~ "Intermediaries operating for profit" were, in theory at least, prohibited from participating in the bracero program. The Panetta program contains no such restriction.

\* ~~Bracero-users were prohibited from~~ Bracero-users were ~~prohibited from~~ not permitted to limit their workers to buying personal articles at a company store. The Panetta program contains no such protection.

\* *Bracero users could not use wetbacks.* B.

In other respects, the Panetta amendment contains language which is similar, if not identical, to that of P.L. 78 and its implementing agreements and regulations. The treaty between Mexico and the U.S. stated "No Mexican Worker shall be used to fill any job which the Secretary of Labor finds is vacant because the occupant is out on strike or locked out in the course of a labor dispute." The Panetta Amendment says that users shall "not employ a nonimmigrant...<sup>\* define</sup> if there is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such employment." Though they sound the same, ~~the~~ everything depends on administrative interpretation. In the one case, the Secretary of Labor made a determination as to whether or not a particular job was vacated by a labor dispute. In the other, the determination will be issued by some functionary in the ~~Department of~~ definitions and Immigration and Naturalization Service, under regulations which have not even been discussed yet, so far as ~~known~~ is known. One cannot be sanguine about the prospects. The late Ernesto Galarza/spent seven years ~~trying to get~~ trying to get "Labor's own department" to enforce the anti-strikebreaker provisions of the bracero program. He broke his heart and never won a case, although more than half of those years he was dealing with a supposedly liberal Democratic Administration. Someone should ask Leon Panetta what domestic farm workers' chances for a favorable interpretation would be from a Justice Department led by, let us say, Ed Meese.



*OK*

~~stated in that~~  
Public Law 78/~~required that~~ no braceros would be certified required that the Secretary of Labor determine and certify that "sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed..." The Panetta amendment specifies only that the domestic workers be "willing and qualified."

~~At that~~ Both programs turn upon the concept of "willing." What makes an American willing or unwilling to do any particular kind of work? When one cuts through individual differences in training, physical strength, and so forth, the most important determinant, clearly, is wages and working conditions. ~~Both P.L. 78 and the~~ put the burden on the Secretary of Labor to ascertain that ~~Panetta Amendment address this determinant in the same way.~~ P.L. 78/ "the employment of (braceros) will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed..." The Panetta Amendment puts the burden on the employer: "Any person whose application to employ a nonimmigrant... has been approved shall...provide for such wages and working conditions...as do not adversely affect the wages and working conditions of workers in the United States similarly employed." The Panetta ~~program~~ amendment does not tell us how an agricultural employer is supposed to conduct adverse affect surveys, or how he would avoid the conflict of interest self-evidently built into such a procedure. On the face of it, ~~this would seem another instance in which the~~ bracero program, bad as it was, was infinitely better than the Panetta ~~plan~~ <sup>fundamental</sup> plan.

In a more/~~basic~~ respect, however, both are equally bad. In a real sense, it makes little ~~if any~~ difference whether ~~whether~~ an adverse affect level is based on a survey of wages and working conditions conducted by the Department of Labor, Immigration and Naturalization Service, or by a growers' association. All foreign labor programs are alike in the most crucial ~~of~~ respect: all nullify the normal, proper, healthy workings of a labor market. If there is a "shortage" of electronic technicians in Silicon Valley (as there sometimes is), manufacturers don't import workers from Taiwan and Korea, although there are many qualified d

*wrong!*



electronics workers there, and they would be more than willing to work for the "prevailing wage" in California, however that were defined. Manufacturers of semiconductors and microprocessors would be laughed to scorn if they went to Congress and asked for a "nonimmigrant" alien program. No, they do what employers in a free society are supposed to do: they offer higher wages to induce technicians from other parts of the country to move to Silicon Valley, or to induce workers in other fields to switch to electronics; and they compete with ~~one another~~ ~~each other~~ ~~with~~ in respect to conditions of employment and fringe benefits.

The very existence of a foreign worker program on the books, before there is so much as a single foreign worker in the country, is an absolute disincentive to employers to do any of the things employers in a free society ~~xxx~~ have to do to attract workers. It is an ironclad guarantee that wages will not rise, working conditions and fringe benefits will not be improved. Foreign workers programs ~~by~~ ~~their~~ inevitably, unavoidably, by their inherent nature, have a built-in adverse affect upon the "wages and working conditions of workers in the United States similarly employed."

Most United States Congresspersons are educated. All but twenty report some college experience; 82 have bachelor's degrees; 45 master's degrees; 21 doctorates ~~in~~ of one sort or another; 198 have LLB's, JD's, or both. Only two (Miller and Stark, ~~both~~ California Democrats like Panetta) pointed out that the language of the Panetta Amendment could not nullify a fundamental law of economics: "There is no way that this cannot depress wages for American farmworkers." The free marketers on the other side of the aisle were notably silent.

There is

~~xxx~~/another way in which the Panetta program ~~xxx~~ is ~~representative~~ in its essence identical to the bracero program, ~~xxx~~ and both ~~xxx~~ departures from other U.S. immigration policies and values: both are designed for males, unaccompanied by wives or children. Most Mexican farm laborers are family men. Under the Panetta Amendment they could be ~~xxx~~ joined by their families during their ~~employment~~ <sup>stay</sup> in the U.S. only if their wives and children were also certified to "perform seasonal agri-



cultural employment."

One of the forces which led ultimately to the termination of the bracero program was the Catholic Church, and the opposition of the Church was based primarily on this moral dimension: the program disrupted and destroyed families. ~~/X Panetta~~ If it goes into effect, the program ~~/will~~ will do the same, and one may anticipate that it is just a matter of time before the National Conference of Bishops and other authoritative voices of the Catholic Church are again raised in moral indignation.

C.

In still other respects, Panetta's proposed program ~~has no counterpart~~ is sui generis, with no counterpart in P.L. 78, the "green card" system, or any other method by which growers have imported foreign labor. *(Wage holdbacks...)* ~~Principal~~ Perhaps its principal uniqueness is ~~/its requirement~~ a provision that "the Attorney General shall designate not more than ten agricultural employment regions within the United States," and ~~require-~~ the ment that a "nonimmigrant" be limited to working within one of these regions. ~~Although~~ The proponents of the plan ~~/did not~~ were not asked nor did they volunteer any details as to how these regional lines might be drawn, or how the limitation on movement of "nonimmigrants" might be enforced. Presumably the regions would be confined to states and parts of states with an historical pattern of using foreign labor. The Imperial Valley of California and Arizona might be a region, for example; the San Joaquin Valley another; all of Oregon and Washington another. ~~In~~ *their intuitive* efforts to bring some semblance of order to a chaotic farm labor market, domestic agricultural workers used to evolve a cycle of crops and areas which gave them employment ~~x~~ the majority of the year. *most probably* The Panetta plan would preclude any such rationality, and would result in the shuttling in and out of larger numbers of workers than objectively required, for shorter periods of time than objectively necessary.

However, Panetta and his allies defend the regional concept as the jewel in the crown of his proposal. In theory, the "nonimmigrant" would be able to move about within the region to which he had been assigned by the Attorney General, and this, says



Panetta, is a guarantee against any danger of exploitation -- quite sufficient to  
outweigh the fact the program contains no protections of wages,<sup>hours,</sup>/housing, ~~hours of~~  
~~employment,~~ transportation, food, or any other conditions of employment. Rep.  
Morrison (R., WA), co-sponsor of the Panetta Amendment, argued "If (a worker) is  
dissatisfied with the wages, if he is dissatisfied with the housing, if he does not  
like the working conditions, he can move on." Some of the media plucked this argu-  
ment out from all those which were made, pro and con, and depicted the program as  
though it were one of free men.

Only one who were very ingenuous or very disingenuous could make the argument that Panetta's "nonimmigrants" would be free agents in any meaningful sense. In the first place, many if not most of them would be preselected, by name, to work for a particular employer. If they left that employer, they would assuredly never work for him again -- and, as Rep. Berman (D., CA) pointed out in the debate, it would be a simple matter for growers to form <sup>region-wide</sup> associations which would blacklist x complainers "for exercising rights that we would give to any American citizen." There are, of course, no anti-blacklisting x protections in Panetta's plan.

But none of the opponents of the proposal noted the more fundamental way in which it would be, in practice, a captive labor system. A discontented "non-immigrant" would be able to leave an exploitative employer only if he moved on to another employer who had been certified by the Attorney General to participate in the program. Does anyone suppose that Mexican field laborers are so sophisticated in ~~the ways of the~~ <sup>law,</sup> U.S. and so fluent in English, that they will ask for a list of names and addresses of all eligible employers in their region, and a map of how to find each ~~one's~~ place of employment? Does anyone suppose that if such a request were ever made, it would actually be granted?

~~The realities of~~ Panetta's theoretical "freedom of movement" evaporates under Mexican the realities of the Southwestern sun. Nothing would be changed. /Workers would be as unfree as ever, as totally dependent upon growers and their mayordomos. If that were not true, the Amendment would not have had agriculture's support; it would not



have been passed; it would not even have been introduced.

#### IV.

Growers and their allies have, over their many years of arguing for the right of access to foreign labor, learned that their is mileage to be gained from certain "buzzwords" and phrases. These words and phrases may bear no relationship to the realities of contemporary agriculture, but urban/~~congressmen~~ <sup>legislators usually</sup> often do not know that, and, often, neither do ~~congressmen~~ <sup>like the Dakotas,</sup> lawmakers from rural areas, where farmers are really farmers, perform all or most of their own work, and have never ~~used or~~ asked for foreign labor.

In the first place, the Panetta Amendment was designed to exploit a visceral fear on the part of the naive that without foreign workers crops will "rot in the fields." This hoary cliché was actually used in the course of the debate, by ~~a~~ <sup>Geng. Republican</sup> ~~the~~ Denny Smith, a newspaper publisher from Salem, Oregon. Never mind that the fruit growers of Oregon, like those of California, ~~and~~ Washington, Texas, and elsewhere, deliberately allow about a third of their crop to rot in order to keep up the price. To play upon the fears of the naive that good food would go to waste, and consumers might have to pay more for their fruits and vegetables, the Panetta Amendment was presented as though it would be limited to emergency situations involving perishable agricultural commodities. ~~None~~ <sup>is</sup> It was an effective stratagem. None of its opponents noticed that "perishable" ~~was~~ <sup>is</sup> going to be defined by the Secretary of Agriculture in regulations which have not been issued. ~~was~~ <sup>was</sup> originally culture, / No one pointed out that Public Law 78 ~~was~~ <sup>was</sup> also ~~was~~ <sup>was</sup> advanced on similar grounds -- and braceros were ~~used~~ <sup>soon being used</sup> more extensively ~~used~~ in cotton than in any "perishable" commodity.

No one seems to have noticed another ~~way~~ in which the Panetta Amendment would likely lead to some of the same kinds of abuses as the bracero system. "Nonimmigrants" would be allowed to ~~perform~~ services in connection with the "production" of commodities as defined by the Secretary of Agriculture. Despite the ~~talk~~ <sup>rhetoric</sup> about crops "rotting,"



Panetta workers would not be limited to picking ripe fruits and vegetables. They could do anything associated with the production process: repairing and operating machinery (which was <sup>usually</sup> forbidden under the bracero program), maintaining irrigation canals, ~~repairing roads~~ working as cooks, carpenters, plumbers, etc. -- so long as these activities took place within the confines of a "farm."

Which brings us to another of the buzzwords most beloved of those advancing foreign labor schemes. They have learned from experience that the minds of ~~many~~ senators and representatives often go numb when the word "farmer" is invoked. What is a "farmer" if not the backbone of America, the honest yeoman, the Jeffersonian ideal? How can anyone oppose anything which is said to be in the best interests of the "farmer?"

If this semantic necromancy is not enough to carry the day, growers and their legislative friends have in reserve a couple of modifiers which are even better calculated to do so. The Panetta Amendment, so they claimed, was needed by ~~the~~ opening the debate, "small farmer," and the "family farmer." In ~~his opening remarks~~, Panetta said, "90 percent of the farms in the perishable crop industry are small farms, 38 acres, 50 acres, 100 acres, 200 acres, compared to the 500 and 1,000 acres that exist in other areas." Pashayan (R, CA) was even more modest: "The benefit of this amendment goes most forcefully to the very small farmer ~~who needs a maximum of 100 acres~~ ... The small farmer, with husband and wife, 2 or 3 children, who operate 30, 40, 50, or 90 acres..." Robert Smith (R., OR) said "The producer of perishables is characteristically a family farmer with less than 50 acres." Others used the same incantation. It was successful. The delegation from Iowa, for example -- 3 Democrats and 3 Republicans -- voted unanimously for the Panetta Amendment. So did the entire delegations from Kansas, Nebraska, and other states where the phrase "family farm" still has some real meaning.

No one thought to point out that Panetta's notion of a "small farm", up to 200 acres of perishable crops, is a multi-million dollar operation, probably comparable to more than 2,000 acres of wheat in Kansas or corn in Iowa. No one thought to point out the cruel hoax involved: ~~in foreign~~ cheap, docile foreign labor, far from being a boon to



legitimate "family farmers" always has and always will devalue the labor of working farmers and force them out of existence.

~~Proponents of the Panetta amendment employed other cliches which were almost as preposterous.~~ Perhaps the cruellest catch-phrase of all those used by proponents of the Panetta Amendment was "guest worker program." As though <sup>the</sup> Mexican "nonimmigrant" would be housed in a spare bedroom of the grower and his wife, asked ~~if he~~ how he would like his eggs in the morning, and asked if he might perhaps feel like helping out with a few chores around the place. Again, no one among the opposition challenged this instance of ~~corruption~~ corruption of the language, this/Newspeak as blatant as "peacekeeper," "tax reform," or "down payment on the deficit."

Nor did the opposition challenge the assertion by McCandless (R,CA) ~~that~~ -- employed identical to one formerly/~~used~~ by bracero-users -- that the importation of Mexican farm laborers was akin to a "Marshall Plan," resulting in the economic development of Mexico. Nor did the opposition question the threat that if ~~the Panetta Amendment were defeated~~, land currently used for ~~the production of~~ <sup>lie fallow or</sup> growing fruits, vegetables, grapes, and berries would/be turned to the/production of grain, and the production of perishable commodities would be transferred "out of the country where labor is plentiful."

It is impossible to say, from the record, whether the opponents of the Panetta Amendment were silent on so many arguments because they were uninformed, because they did not think the arguments deserved a rebuttal, <sup>or</sup> because "they trains are rolling", in the words of Richardson (D., N.M.) -- that is, the aye votes were already in place, and would not be budged by anything the opposition might say.

#### V.

The Panetta plan made strange bedfellows. As has already been mentioned, representatives from the "farm belt", of both parties, voted for the amendment almost without exception, even though it is doubtful Panetta workers will be used in the production of wheat, soybeans, corn, hogs, beef, dairy products, and the like.



As has also been mentioned, the self-styled free marketers, who <sup>orate about</sup> ~~prate of~~ letting the "invisible hand" work its will without government intervention, proved their cynicism and hypocrisy by voting, without exception, for government ~~intervention in the~~ freezing agricultural wages at whatever level Mexican "nonimmigrants" are willing to work for: Philip Crane (R., Ill.), Jack Kemp (R., N.Y.), ~~Phil~~ Trent Lott (R., Miss.), Phil Gramm (R., Tex.), Delbert Latta (R., Oh).

Taken as a whole, the Panetta Amendment <sup>might</sup> ~~may~~ be thought of as a Republican measure. Nearly ten times as many Republicans voted for as against it: 138-15. The 15 who voted against it were almost all from the Northeast. ~~House Democrats~~ ~~voted nearly two to one against Panetta 90-157~~ California's Republican delegation of 17 -- largest of any state -- includes some supposed "moderates", but all 17 lined up in favor of the Panetta plan.

House Democrats voted nearly two-to-one against Panetta: 90-157. It might be supposed that ~~that~~ this was a classical division between Southern "boll weevils" and Northern liberals, and that it was the coalition between "boll weevils" and Republicans which passed the Panetta Amendment, just as it passed ~~many~~ various aspects of the Reagan economic program. Not quite. Of the 90 Democratic votes in favor of Panetta, 57 were cast by Representatives from Southern and Border <sup>Democratic</sup> states; but 43 ~~votes~~ from those same states were cast against Panetta. ~~2~~ Similarly, Democrats from the supposedly liberal North and West were by no means unified: 114 voted against the Panetta Amendment, but 33 voted for it. And, curiously, 18 Democrats from the North and West did not vote at all -- compared to only 3 Southern Democrats and 13 Republicans.

Thus, in a certain sense, the passage of the Panetta Amendment may be attributed to defections from the liberal camp as much as to a coalition between Republicans and conservative Democrats. The vote was 228 to 172 with 33 not voting. If ~~22~~ 28 votes had switched, there would have been a tie, and Tip O'Neill would have broken the tie -- presumably with a nay vote. Where might ~~these~~ 28 votes have come from?



It is instructive to study the roll ~~call~~ which appears on pages H5869-70 of the Congressional Record for June 14. Some well-respected liberal names appear in the aye columns. For example, Thomas Foley, <sup>majority</sup> ~~Democrat~~ whip, third most powerful Democrat in the House. Foley is from ~~Spokane, Washington, where~~ a district in Eastern Washington, where a great deal of wheat is grown, but none of the crops which "need" foreign labor. Tony Coelho, ~~is~~ chairman of the Democratic Congressional Campaign Committee for the entire country, a California liberal on most issues, voted for the Panetta Amendment. So did five other California Democrats. Mike Lowry of Seattle, one of the most liberal of all Congressmen on foreign policy/<sup>and disarmament,</sup> ~~xxxxxx~~ growers using voted with Panetta; there are no/~~xxxxxx~~ foreign labor in Lowry's district. Albert Gore, Jr., of Tennessee, generally well thought of by liberals, voted with Panetta. Bob Traxler, Democrat from Michigan, with its extremely high domestic unemployment, voted for importation of foreign workers. Two of the four Democrats from West Virginia, with an even higher unemployment rate, voted likewise. Five of Pennsylvania's Democratic delegation voted with Panetta -- including Joseph Gaydos, former General Counsel to the United Mine Workers of America, ~~only~~ one of only six members of the entire House with any organized labor affiliation.

There are further anomalies and mysteries in the list of liberal Democrats who did not vote at all on the Panetta Amendment. Geraldine Ferraro, said to be a ~~great~~ staunch friend of American working men and women, did not vote, and was not even paired against the Amendment. Robert Garcia, another liberal New Yorker, although he contributed significantly to the debate over the Amendment, did not vote in the final showdown, and was not paired. James Scheuer of New York, Thomas Downey of New York, and John Dingell of Michigan did not vote. Six of Massachusetts' ten-member Democratic delegation did not vote. No explanation, no apologies were given. If 18 liberal Democrats who did not vote had voted against the Panetta Amendment, it would have been necessary to change only 15 votes from aye to nay to defeat the Amendment. Evidently, the Democratic House leadership did not consider the issue worth the effort.

*Continued on p. 26*



It is interesting and instructive to compare votes on the Panetta Amendment with votes on the final passage of H.R. 1510, which, ~~following~~ by that time, incorporated the ~~Panetta program~~. In the course of the debate, it had seemed that Panetta's proposal might serve as a "killer amendment" -- that it would be so repugnant to liberal consciences that those who might otherwise have voted for the Mazzoli bill would be forced to vote against it. Barney Frank of Massachusetts said that was precisely what he intended to do. But he ended by voting for H.R. 1510, and it was not the only curiosity in the record. There were wholesale Republican defections, from the 138 who voted ~~for~~ ~~in favor of the~~ Panetta ~~Amendment~~ to 91 who voted for Mazzoli. Again, no explanations were asked and none given. Some Republicans ~~probably~~ didn't care for Mazzoli's amnesty generosity; (McCollum (R., Fla.), ~~led~~ ~~the~~ fight against it, ~~and ended~~ ~~by voting against Mazzoli, though he had voted for Panetta.~~ Others no doubt considered Mazzoli too harsh on employers, despite the fact sanctions were weakened for all employers, almost to the point of disappearance for agricultural employers. Altogether, 73 Republicans voted against H.R. 1510, compared to only 15 who had voted against the Panetta Amendment. Nonetheless, 18 more Republicans voted for Mazzoli than against, and since the final margin of passage was only 5 votes, it might be said that it was Republicans who can claim credit, if that is the word.

*125  
138  
91  
276*

*No!*

*138  
73  
211*

At final passage, Democrats were against Mazzoli: ~~125~~ ~~138~~ 125 aye to 138 nay, with 5 not voting. As before, ~~more~~ careful scrutiny of the roll ~~is revealing~~ raised many intriguing questions and suggests some intriguing conclusions. For example, five Democratic congressmen from California ~~xxx~~ switched from "aye" on Panetta to "nay" on Simpson-Mazzoli -- evidently so they could say to their grower constituents and their liberal constituents "We did our best for you." Within the Florida Democratic delegation, there were six switched from "nay" on Panetta to "aye" on Simpson-Mazzoli, including Claude Pepper. There were ~~seven~~ <sup>nine</sup> switches in the same direction within the New York Democratic delegation. ~~Evidently~~ A "liberal" vote on Simpson-Mazzoli meant entirely different things in different



states, and in different districts of the same state. The liberal credentials of Geraldine ~~of ~~XXXXXX~~/Ferraro, ~~Rangel~~ Morris Udall, Pat Shroeder, John Conyers, and Charles Rangel~~ are in good order; they and many other liberals voted against Simpson-Mazzoli. But so did the entire Democratic delegation from Alabama, 7 out of 9 Georgia Democrats, half the Democrats from Virginia and Louisiana. On the other hand, the liberal credentials of Thomas Downey, Stephen Solarz, John Dingell, Claude Pepper, Michael Barnes, Robert Kastenmeier, are in excellent order, and they, in common with many other liberals, voted for Simpson-Mazzoli -- even ~~after~~ though it included the Panetta Amendment. Of the 125 Democratic votes in favor of Simpson-Mazzoli-Panetta, 71 were from the North and West, only 54 from ~~the~~ Southern and Border states.

~~xxx xxxxxxxxxx~~ Liberals might like to take some comfort from the fact most of them ~~xxxxxxx~~ voted against Simpson-Mazzoli-Panetta, but ~~xxx~~ here again, as in the case of the original Panetta Amendment, <sup>more than</sup> enough of them voted for it to provide the margin of victory.

## VI.

~~xxxxxxx~~ During the debate on the Panetta Amendment, dean of all Congressional Hispanics, Henry Gonzalez (D., TX) stated ~~"This amendment would even offend a slave driver. People who wanted slaves would at least buy them; this amendment is a rent-a-slave drive."~~ "The old bracero program was evil. The present temporary farmworker program is evil. But this language makes those look like the age of enlightenment. ...(This) rent-a-slave program would appall the conscience even of a 19th-Century slaveowner." ~~Edward Roybal (EX CA)~~ Howard Berman (D., CA), said "This is much, much worse than (the) bracero program." Esteban Torres (EX D., CA), said "This will be a sorry day in American history..." Don Edwards (D., CA), said "In a number of ways this is more restrictive and has more bondage than the bracero program." Barbara Boxer (D., CA) sardonically congratulated Panetta for having proposed programs to deal with hunger, "because we are going to see more hunger in America as a result of this (Amendment)."

Rodino may be forgiven - had voted 12 yrs ago - but if his vote were flawed a bit? But of this ???



This would be strong language in almost any universe of discourse. It is especially strong, coming in the well of the U.S. House of Representatives, with a tradition of collegial courtesy -- the minut in which one is supposed to address one's bitter enemy as "my distinguished friend." It is even more especially strong, coming from a 23-year

~~That is strong language~~ Gonzalez has been in the House of Representatives veteran of the House and its traditions, 2nd in seniority on the Banking Committee, dean of the Congressional years. He well knows the tradition of collegial courtesy one is supposed all/Hispanics; in the who have served in the House Congress a man well aware of the axiom "to to observe -- "I am happy to yield to my distinguished ~~colleague and friend,~~ get along, you have to go along." in so many words,

~~etc.~~ To accuse a colleague of favoring something worse than slavery is strong which should have alerted everyone to the fact this was no ordinary issue. almost unprecedented language. Yet the "rent-a-slave" ~~program~~ program an integral part passed twice: first, on its own merits or demerits; second, as ~~the centerpiece~~ of an overall immigration "reform" bill.

VI.

the hypocrisy of the free marketeers. ~~xx~~ Some probable contributing factors have already been mentioned: the myths of "crops rotting in the fields," the "small farmer," etc. Other factors:

\* ~~xxx~~ Agricultural laborers are still virtually impotent in terms of conventional political power. In ~~everywhere~~ rural California, and every area where agriculture has become industrialized, farm employees far outnumber farm employers. the But/employers vote and the employees do not, and representatives from these districts are always grower-oriented as a matter of political survival. They may be liberal on every other issue, but on anything which growers believe affects their pocketbooks they will jump through the growers' hoop every time.

line  
\* Any active congressman builds up a certain ~~number~~ of credit with his colleagues: debts which he can call in when an issue arises on which he feels sufficiently strongly. Panetta doubtless collected such "chits" from his colleagues members of the two major particularly ~~those on the Budget and Agriculture committees~~ committees, ~~with whom he worked~~ Foley, Dashle, ~~on which he serves.~~ Harkin, Bedell, and Glickman, for example, are Democrats from wheat growing areas who serve on the Agriculture committee. ~~Panetta~~ No wheat is grown in Panetta's district, but he has probably voted with those who had Wheat ~~growing~~ growing districts have absolutely a direct interest in this commodity. ~~They had~~ nothing to gain from the Panetta Amendment, but these five representatives all voted with Panetta, apparently in return for past favors. Similarly, Fazio, ~~Wright~~ Nelson, Derrick, Hefner, and Lowry serve with Panetta on the Budget Committee. With the possible exception of Fazio, none comes from a district where Mexican "rent-a-slaves" are ever likely to be used, but all voted with Panetta program. You scratch my back now, I'll scratch yours later. It is simply the way large institutions operate, and perhaps have to operate.



House

\* ~~The~~ After liberals failed to vote down the Panetta Amendment, they had a second chance to kill it by voting against ~~the~~ Simpson-Mazzoli. Many ~~failed to~~ ~~xxx~~ voted for Simpson-Mazzoli, however abhorrent the "rent-a-slave" amendment it now contained, as a result of party discipline. The House leadership evidently passed the word along that Democrats could vote for or against Panetta, or not at all, ~~xxxx~~ in accordance with their consciences. Final action on H.R. 1510, however, became a matter of party loyalty. Peter Rodino -- whose bill it really was, though his name was no longer attached to it -- had been in the House since 1948, four years longer than Tip O'Neill. The leadership rallied around. The majority leader, Jim Wright, voted aye, although 23 of 26 Texans voted nay.   
majority voted aye.   
The/whip, Tom Foley/~~the~~ Dan Rostenkowski, chairman of ~~Appropriations~~ Ways and Means, James Jones, Budget chairman, Dante Fascell, Foreign Affairs chairman, and ~~five~~   
the   
~~other~~/chairmen of eight other standing committees voted aye; all were Democrats; most had switched from a nay vote on the Panetta Amendment. The role of party discipline is seen clearly in the Massachusetts delegation, dominated by Tip O'Neill, although the Speaker himself, by House tradition, almost never votes. On the Panetta Amendment, 6 of the 10-member Massachusetts Democratic delegation, obviously awaiting instructions, did not vote; the other 4 voted nay. When it came to Simpson-Mazzoli, the word had come down: 7 voted aye, 1 nay, 2 absences.

\* Liberals, as a whole, have never been able to keep their eye very clearly, or very long on agricultural labor. Their sympathy or curiosity may be piqued ~~when~~ briefly when Cesar Chavez boycotts lettuce, or when Ernesto Galarza used to   
the   
expose the scandals in the bracero system. But, by and large, ~~liberal~~ interests of liberals and moderates of both parties almost always   
lie elsewhere. They are capable of great and sustained concern over what they believe to be exploitation of the peasantry in Central America; but they are exercised only feebly and sporadically over the very clear and present exploitation of the U.S.'s own peasantry.

Fifteen years ago, Walter Mondale chaired a series of hearings on Farm Worker



Powerlessness. No legislation ~~was enacted~~ resulted; he has scarcely mentioned the issue since. The coalition of church, labor, and liberal groups which fought for the termination of the bracero program, ceased to function 20 years ago, although the problems of temporary foreign workers, labor standards in agriculture, have never been fundamentally abated. ~~There are many other groups~~ Students and other volunteers who marched with the farm workers' union, leafletted outside supermarkets, contributed time, talent, and whatever money they had, have turned their attentions to families or jobs; their places have not been filled.

When the Panetta Amendment was passed on June 14, if the media carried the story at all, it was usually to herald the program as ~~an~~ enlightened and progressive: "workers would be free to move from one employer to another." The New York Times considered the story front page news, but ~~did not mention it~~ devoted most of its coverage to the arguments advanced by Panetta and his friends. There were no quotes ~~from Gonzalez~~ about slavery from González or his friends. The Washington Post ~~buried the story on page 8~~ quoted González, but buried the story on page 8.

As this is being written, it remains to be seen whether the Panetta Amendment will survive in a conference committee meeting between the House and Senate. The House delegation will be headed by Congressman Mazzoli, who is no particular friend of the Panetta Amendment. But the Senate is controlled by Republicans, and Republicans -- including the Reagan Administration -- are ~~not~~ overwhelmingly ~~thus in favor of~~ in favor of the concept of a Mexican farm worker program.

If the "rent-a-slave" program survives the conference committee, and the committee compromise passes both houses and is signed into law, it will be deja vu. There will be the same kinds of scandals, corruption, exploitation as there were during the bracero years, probably to an exacerbated degree. <sup>In time,</sup> There will be the same kinds of ~~exposed~~ investigative reporting, exposes, outcry. In the further fullness



of time, there will be a stirring of the public conscience, the emergence of a coalition of persons and organizations which take seriously the notion of human rights and decency, and the repeal of the latest in a long, sad series of ~~fixxxx~~ disadvantaged ~~xxxx~~ experiments with/foreign ~~exxxx~~ labor in Southwestern agriculture.

If the Panetta program does not survive the conference committee process, Americans who take seriously the notion of human rights and decency can take small comfort. The significant point is that the "rent-a-slave" program has progressed as far as it has, with so little outcry and outrage. And the further point is that those who want "rent-a-slaves," those who ~~would~~ claim "Americans just won't do work", ~~farm/labor~~ those who lust after cheap labor while wrapping themselves in the phrase "family farmers" -- they have not been reconciled. ~~They have~~ ~~will~~ ~~be back~~. If the nation ever closes, or even so much as slows down, their river of illegal foreign workers, they will be back, with more demands for some legalized source of supply. Eternal vigilance is the price of liberalism. Liberals must watch, and never stop watching, the ramparts for breaches in the form of captive labor, ~~xxxxxx~~ under whatever guise, in whatever name, with whatever sponsorship.